IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 26145 of 2007(K)

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PETITIONER:

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T.DHARMARAJAN, 31/402, THAIPARAMBIL HOUSE, PAZHAVEEDU P.O., ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SRI.M.R.ARUN KUMAR

RESPONDENTS:

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1. THE ASST.EXECUTIVE ENGINEER, ALAPPUZHA NORTH ELECTRICAL SUB DIVISION, ALAPPUZHA.

2. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.

3. THE ADDL.DISTRICT MAGISTRATE, ALAPPUZHA.

4. J.XAVIER, KARAMANASSERIL HOUSE, SANATHANAM WARD, ALAPPUZHA.

R1&2 BY ADV. SRI.P.P.THAJUDEEN, SC
R3 BY G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.26145 of 2007

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Dated this the 17th day of September, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KSEB. The line opposed is already drawn and connection is given to 4th respondent. The 4th respondent who is a kudikidappukaran is obviously a poor man and I do not find any justification to drag him to this court. The line drawn is from a post standing on a pathway. The opposed portion of the line that is passing over petitioner's property is only 17.3 metres of weatherproof cable. Being an insulated cable this should not cause any serious inconvenience or difficulty for the petitioner for enjoyment of his property. However, counsel submitted that connection could be given to the beneficiary with a line of shorter length i.e. from a post standing in the property of one Thankamma, Maliakkal House. Even though petitioner has produced a sketch, it is not clear from the sketch as to whether there is a post in the said Thankamma's property and even if it is there, the same is closer to the house of the beneficiary than the post B shown in the sketch produced by KSEB. In the circumstances, W.P. is disposed of directing the petitioner to produce a detailed sketch showing the relative location of post

"B" and the post standing in Thankamma's property and the house of the beneficiary. Based on the sketch, first respondent will conduct enquiry and if first respondent finds that connection can be given to the beneficiary with a weatherproof cable of lesser length i.e. of the length less than 17.3 metres, then he will shift the line and give connection to the beneficiary from the post standing in Thankamma's property provided she gives consent. If the alternate route suggested by petitioner is shorter in length as stated above and if the said Thankamma raises objection, the first respondent will refer the file to the third respondent for hearing Thankamma's objection for the purpose of considering shifting the line on petitioner's request and decision will be taken by third respondent in accordance with law. However, if the first respondent finds that the line is not shorter as claimed by the petitioner, matter will stand concluded by this judgment with direction to the first respondent to retain the present connection.

C.N.RAMACHANDRAN NAIR
Judge

pms